

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

REVOLAZE LLC,)	
)	CASE NO. 1:16CV1080
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
DENTONS US LLP, <i>et al.</i> ,)	
)	
Defendants.)	<u>ORDER OF REMAND</u> [Resolving ECF No. 6]

Pending before the Court is Plaintiff RevoLaze LLC’s Motion to Remand. [ECF No. 6](#). Plaintiff filed this legal malpractice action in the Cuyahoga County, Ohio Court of Common Pleas, Case No. CV-16-861410. [ECF No. 1-1](#). On May 4, 2016, Defendants timely removed the case to this Court on the basis of diversity jurisdiction. [ECF No. 1](#).

Diversity jurisdiction exists where the amount in controversy exceeds \$75,000 and “each defendant is a citizen of a different State from each plaintiff.” [Owen Equip. & Erection Co. v. Kroger](#), 437 U.S. 365, 373 (1978); [28 U.S.C. § 1332](#). A limited liability company (“LLC”) is a citizen of each of the states of which its members and “sub-members” are citizens. [Delay v. Rosenthal Collins Grp., LLC](#), 585 F.3d 1003, 1005 (6th Cir. 2009). A limited liability partnership (“LLP”) is a citizen of each of the states of which its partners are citizens. [Id.](#) (citing [Carden v. Arkoma Assocs.](#), 494 U.S. 185, 187 (1990) (“The general rule is that all unincorporated entities . . . have the citizenship of each partner or member.”)).

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In its motion, Plaintiff argues that, pursuant to [28 U.S.C. 1332\(a\)\(1\)](#), complete diversity is lacking because Plaintiff's and Defendant Dentons US LLP's members and partners are both citizens of: Arizona, California, Connecticut, Florida, Maryland, New York, Pennsylvania, Virginia, and the District of Columbia. [ECF No. 6 at PageID #: 329](#). In addition, Plaintiff argues that individual Defendants Hogge and Stein are citizens of the same states as Plaintiff—Virginia and Connecticut, respectively. [Id.](#) Therefore, Plaintiff contends removal was improper and the case should be remanded. [Id. at 329-30](#).

On June 20, 2016, the Court granted Defendants' motion for leave to conduct jurisdictional discovery of the facts regarding the citizenship of Plaintiff's members and sub-members on the date of removal. [ECF No. 9](#). On July 27, 2016, the Court referred the matter to Magistrate Judge Limbert to resolve a discovery dispute. [ECF No. 18](#). On August 11, 2016, Magistrate Judge Limbert ordered Plaintiff to, among other things, produce documents sufficient to show the citizenship of Plaintiff's members and sub-members. [ECF No. 23](#). After referring this matter to mediation before Magistrate Judge Limbert at the parties' request ([ECF No. 25](#)) and granting Defendants' motion to stay briefing on Plaintiff's Motion to Remand pending mediation ([ECF No. 28](#)), the case did not settle during the mediation conference held on November 3, 2016.¹ *See* Mins. of Proceeding, Nov. 3, 2016.

¹ Throughout this protracted jurisdictional discovery and mediation period, the Court also granted Defendants' requests for extensions of time to respond to Plaintiff's Motion to Remand. *See* [ECF No. 9](#); Order, July 27, 2016; Order August 5, 2016.

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On November 8, 2016, the Court issued an Order directing any party seeking to oppose Plaintiff's Motion to Remand to file an opposition on or before November 22, 2016. [ECF No. 29](#). Defendants timely filed their Response to Motion to Remand Case stating: "Upon review of the discovery that Plaintiff produced on August 23, 2016, pursuant to the Court's order compelling production of documents ([ECF No. 23](#)), Defendants do not oppose Plaintiff's Motion to Remand ([ECF No. 6](#))."[ECF No. 30](#).

Accordingly, the Court remands the case to the Cuyahoga County, Ohio Court of Common Pleas —the state court from which it was removed. A certified copy of this Order of Remand shall be mailed by the Clerk of the United States District Court for the Northern District of Ohio to the Clerk of the Cuyahoga County, Ohio Court of Common Pleas.

IT IS SO ORDERED.

November 29, 2016
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge